

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**No. 13-cv-0237 MV/SMV
11-cr-1065 MV**

ACXEL BARRERA-MUNOZ,

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. The record reflects that recent mailings to Defendant were returned undelivered, and the file contains no other address for him. [Docs. 5 and 6] (mail sent to Defendant returned, marked as “not deliverable as addressed” and “unable to forward”). It appears that Defendant has been released from custody or transferred without advising the Court of his new address, as required by D.N.M.LR-Civ 83.6, and has therefore severed contact with the Court. Defendant’s failure to comply with the Court’s local rules demonstrates a manifest lack of interest in litigating his claims. *See Martinez v. IRS*, 744 F.2d 71, 73 (10th Cir. 1984) (federal district courts have inherent power to impose a variety of sanctions on litigants in order to regulate their dockets and promote judicial efficiency); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962) (federal district courts have authority to dismiss an action for failure to prosecute to avoid undue delay); *Okla. Publ’g Co. v. Powell*, No. 78-1856, 1980 WL 6687, at *2 (10th Cir. Mar. 7, 1980) (unpublished) (the federal district courts’ authority to dismiss an action sua sponte for failure to prosecute is clearly established). Defendant’s appeal having been dismissed, Order and

Judgment [CR Doc. 125-1], he will be required to show cause why his § 2255 motion should not be dismissed. Failure to respond may result in dismissal without further notice.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that, within 14 days of entry of this Order, Defendant shall file a response showing cause why his § 2255 motion should not be dismissed.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written over a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge